

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Police – Representation of Sri G. Jogaiah, SI of Police of Hyderabad – Request for notional date of promotion on par with his batch mates – Orders – Issued.

HOME (SER.II) DEPARTMENT

G.O.Ms.No 390.

dated:28 -8-2009

Read

From DGP, AP, Hyderabad, Lr Rc.No. 823/E3/2008, dated: 02-04-2009.

Order:

In the letter read above, the DGP, AP, Hyderabad, has stated that Sri G.Jogaiah was appointed as SI (Civil) on 16-01-1989. He was dismissed from service vide G.O.Ms.No. 170 Home (SC.A) department, dated: 23-7-1997, due to conviction in ACB case under Sec. 248 (2) of Criminal Procedure Code. Aggrieved by the conviction of ACB Court, Sri G.Jogaiah has filed appeal petition in the Hon'ble High Court. The Hon'ble High Court in its Judgment dated: 17-10-2001, in Criminal Appeal No.258/1997, has set-a side the order of the Court of Addl. Special judge for SPE & ACB cases, Hyderabad, and thereby acquitted the individual from the charge. Consequent to acquittal in ACB Case by Hon'ble High Court, Government have dropped further action vide Govt. Memo.No. 811/SC.A3/91-25, dated: 18-04-2002, and reinstated the applicant into service. Further, in the Govt.Memo.No.1070/SC.A3/2002-04, dated: 11-11-2002, the suspension period and out of employment period spent by the applicant from 1-8-1991 to 4-6-2002, was treated as on duty and requested the DGP, AP, Hyderabad, to pay all consequential benefits as per F.R.54-A.

2. The Director General of Police, Andhra Pradesh, Hyderabad, has further stated that the individual had come up for consideration for promotion to the rank of Inspector of Police(Civil) in the panel year 2000-2001, but DPC deferred his case for want of records on par with his batch mates.

3. Aggrieved with the above, Sri G.Jogaiah has approached the Hon'ble Andhra Pradesh Administrative Tribunal and the Hon'ble Andhra Pradesh Administrative Tribunal in its orders dated: 18-02-2009 in O.A.No. 11061/2008 had passed the following orders:

“The respondents are directed to convene a Review DPC meeting within a period of two weeks from the date of receipt of a copy of this orders, as it is pending since 2002, for considering the case of the Applicant for notional promotion to the post of Inspectors of Police w.e.f. the date on which Sri R.Sudarshan (5th respondent in the said O.A) was promoted i.e. 29-6-2001, and fix the seniority of the applicant in the category of Inspectors of Police in Hyderabad Range as well as in the Integrated State-wide seniority list of the Inspectors of Police, and consider his case for promotion to the post of Deputy Superintendents of Police, based on such notional promotion, as per his eligibility, suitability and as per rules.”

4. The DGP has further stated that as per G.O. Ms. No. 291, GA (DPC-DESK-1) Department, dated: 08-04-1990, “where one or more confidential reports have not been written for any reason during the relevant period, the DPC should consider the Confidential reports of the years preceding the period in question and if in any case even these are not available, the DPC should take the confidential Reports of the Lower grade into account to complete the number of Confidential Reports required to be considered”. Sri G. Jogaiah has not been in service for the period from 1-8-1991 to 4-6-2002. Hence no ACRs were initiated for the period from 1-8-1991 to 4-6-2002. Further stated that as per rule 6(b) of A.P. Police (Civil) Service Rules, 1998, the minimum qualifying service is six years for promotion to the next higher rank.

5. He has further stated that as per the orders dated: 18-02-2009 of Hon'ble APAT in O.A.No.11061/2008, the review DPC met on 18-03-2009 at 1300 hours and reviewed the case of

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Sri G.Jogaiah and opined to refer the matter to Government about suitability of the officer for next promotion as Inspector of Police (Civil) in the panel year 2000-01 for the following reasons.

- (i) He has not completed six years of service physically in the rank of SI of Police (Civil) which is the minimum qualifying service for promotion to the next higher rank
- (ii) No ACRs of Sri G.Jogaiah are available for the period from 1-8-1991 to 4-6-2002.

6. The DGP, AP, Hyderabad, has therefore, requested Government to issue guidelines / clarification to facilitate the DPC to consider the case of Sri G.Jogaiah, SI of Police (Civil) for promotion to the rank of Inspector of Police (Civil) on par with his immediate junior as directed by the Hon'ble APAT in its orders dated: 18-02-2009 in O.A.No. 11061/2008.

7. Government after careful examination of the matter hereby relax rules in G.O.Ms.No. 291, GA (DPC-DESK-1) Department, dated: 08-04-1990, to dispense with the requirement of the ACRs preceding the concerned panel year, in respect of Sri G.Jogaiah, SI of Police (Civil), as his period of suspension/out of employment from 1-8-1991 to 4-6-2002, has been regularized as on duty with pay and all consequential benefits

8. Government, also clarify that the period of suspension/out of employment from 1-8-1991 to 4-6-2002 of Sri G.Jogaiah, SI of Police (Civil), which has been regularized as on duty with pay and all consequential benefits, shall be considered as qualifying period of service, though the individual has not physically worked.

9. The Director General of Police, Andhra Pradesh, Hyderabad, is, therefore requested to implement the orders of the Hon'ble APAT, dated: 18-2-2009, in OA.No. 11061/2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

AJAY MISRA
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The Director General of Police, Andhra Pradesh, Hyderabad
Sf/Sc

//Forwarded :: By order//

SECTION OFFICER